

9004-193
April 19, 1973

TO: BOSTON REDEVELOPMENT AUTHORITY
FROM: ROBERT T. KENNEY, DIRECTOR
SUBJECT: GOVERNMENT CENTER PROJECT MASS. R-35
CITY HALL PLAZA STAGE 2 PHASE 1-A
CHANGE ORDER NO. 3

The following is a change order to revise Article 2 of Agreement Between Contractor and Owner to build the subject Plaza by adding a separate Time of Completion for installation of the snow melting walkway and equipment.

The Contractor, D. Federico Company, Inc., has requested an extension of time for the completion of their entire contract for the subject Plaza from January 24, 1973 to August 31, 1973. The Architect Engineers for Boston City Hall recommend that he be given the extension of time but that this extension be limited solely to the area and work being performed in connection with installation of the snow melting equipment which was authorized by Change Order No. 1 executed February 15, 1973 and that he be required to comply with the present completion date for all other work being performed under the contract.

It is recommended that Change Order No. 3 be approved to revise Article 2 Time of Completion in the Agreement between Contractor and Owner by adding: The Contractor hereby agrees, as a separate condition, to substantially complete the work of installing all snow melting mats and control equipment, including the applicable brick pavement and granite stair treads by August 31, 1973.

VOTED: That the Boston Redevelopment Authority hereby approves Change Order No. 3 to revise Article 2 Time of Completion in the Agreement between Contractor and Owner to construct City Hall Plaza Stage 2 Phase 1-A by adding: The Contractor hereby agrees, as a separate condition to Time of Completion, to substantially complete the work of installing all snow melting mats and control equipment, including the applicable brick pavement and granite stair treads by August 31, 1973. This additional time will not change the contractor's responsibility to finish the original contract work within the time limit of 303 calendar days.

D. Federico Company, Inc.

P. O. BOX 518

GENERAL CONTRACTORS

TEL. 583-3441 OR 843-3315

OFF NEW POND STREET
AVON, MASSACHUSETTS 02322

April 6, 1973

Mr. John Hunt, Project Engr.
Boston Redevelopment Authority
City Hall
Boston, Massachusetts

RE: City Hall Plaza
Stage 2 Phase 1A

Dear Mr. Hunt:

In conformity with certain provisions of the General Conditions for the Subject Project, and in accordance with instructions from representatives of the Architects, I am herewith requesting an extension of contract time.

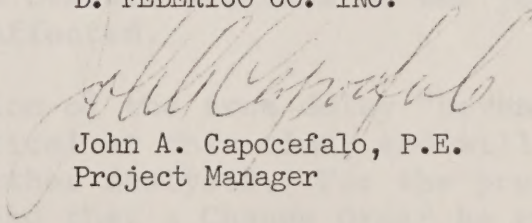
The aforementioned request is obviously necessary in as much as physical work is still being performed thereon. The untimely presentation of this request is predicated upon several factors. A final proposed date for completion could not be determined until a final approval of a change order for electrical snow melting had been executed. the aforementioned dictated the ordering of expensive long time delivery equipment. It has been determined that the approximate schedule from time of initial order to installation of the above to be in the order of five months.

The original proposal for the above mentioned change order was forwarded in October of 1972. The final execution of the change order was in February of 1973. The premise of the preceding statements therefore indicates final installation some time in the month of July 1973. A practical contingency for any further unforeseen delay would indicate a date of installation sometime during August 1973.

In view of all of the above and in recognition of the several other contractual delays beyond this contractors control, I herewith request an extension of contract to August 31, 1973.

Thank you for your consideration in this matter.

Yours very truly,
D. FEDERICO CO. INC.


John A. Capocéfalo, P.E.
Project Manager

cc: Archit. & Engrs. for City Hall
E. Bolton
R. Sullivan
Field
File

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ARCHITECTS AND ENGINEERS FOR THE BOSTON CITY HALL

127 TREMONT STREET, BOSTON, MASSACHUSETTS 02108

617-482-5745

April 11, 1973

BOSTON REDEVELOPMENT AUTHORITY
Boston City Hall/Room 900
One City Hall Square
Boston, Massachusetts 02201

Attention: Mr. John K. Hunt

Re: CITY HALL PLAZA - STAGE II

Gentlemen:

We are in receipt of D. Federico's letter of April 6, 1973, requesting an extension of time for their Contract.

We cannot agree with Mr. Capocefalo's contention that they are so far behind their schedule due to "various delays beyond the control of the Contractor". While there have been a number of job conditions and changes that have occurred they do not by any means justify the delay that has resulted. This delay has been so serious that not only has the date for the substantial completion of the entire project January 24, 1973, long passed, but the contractual date of September 30, 1972, for completion of Cornhill and Washington Mall has passed without either area being completed. We refer you to our letters of October 12, 1972, and January 24, 1973, to the Contractor on this subject.

We agree that the addition of the snow melting will result in a considerable delay in the final completion of the project, but the largest part of the delay results from the over four month period between our issuance of the scope and Federico's submitting a price. Furthermore this change has not delayed the overall progress of the job; virtually no work done to date has been affected.

To make an accurate determination of the true delay "beyond the control of the Contractor" is not practical at this time, and will require the submission of more data and further analysis. For the present, however, we are willing to recommend that a Change Order be executed for a time extension. We do this to allow payments to be made to the Contractor, particularly to not penalize subcontractors by withholding payment for work completed and which in no way contributed to the delay.

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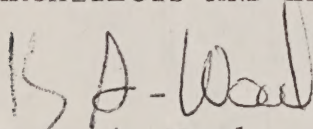
We recommend that the Change Order be written to extend the date of substantial completion to August 31, 1973. We do this as we understand that it appears that the snow melting work will not be completed until nearly that date. It should also be written so that the time extension granted by the Authority does not relinquish its rights to collect the liquidated damages provided for in Article 3 of the Contract for all or any part of the time extension that may be determined to be Federico's responsibility.

We further propose to withhold sufficient monies from payments to Federico to insure that the full liquidated damages could be paid. Thus as of today, 77 days have transpired since the contractual completion date of January 24, 1973. Thus \$15,400.00 would be withheld from a requisition submitted now. The maximum that could be withheld up to August 31, 1973, would be \$43,800.00

In order to speed up the execution of a Change Order, we are including with this letter a draft of one incorporating the above points. We would advise that it be reviewed by your legal counsel before execution.

Very truly yours,

ARCHITECTS AND ENGINEERS FOR THE BOSTON CITY HALL



Henry A. Wood

cc: K&M
NWA
LeMessurier

